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10/777,613

02/12/2004

Ronald R. Woller

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05/26/2006

GARDNER GROFF SANTOS & GREENWALD, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,613

Applicant(s)

WOLLER ET AL.

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-11 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-11 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell in view of Hutchinson and Crozier. Maxwell shows the claimed ladder with the exception of that his I-beam rails are not double box beams construction, and his splices are not closely overlaying bolsters. Hutchinson shows I- beam rails constructed as double box I-beams. Crozier in fig.7 shows a splice/ bolster 4 closely overlaying and wrapped around the distal edges of I-beam sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Maxwell for his rails to be constructed as double box I-beams, as taught by Hutchinson, to enable a strong lightweight construction, and to comprise bolsters, as taught by Crozier, in lieu of his splices/clips, to closely overlay and wrapped around the distal edges of his double box I-beam construction, as taught by Hutchinson, to enable a tightly fitting splice. The examiner takes official notice that threaded fasteners with knobs are conventional fasteners to facilitate hand assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide

conventional knob fasteners, in lieu of the bolts as taught by Crozier, to facilitate hand assembly.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell, Hutchinson and Crozier, as applied to claim 1 above, and further in view of Stillman, Jr. Stillman shows an aluminum ladder with angled rungs 7 with ridges. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Maxwell to comprise aluminum rails and angled rungs with ridges, as taught by Stillman, as strong, lightweight construction and a safety means.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell, Hutchinson and Crozier, as applied to claim 1 above, and further in view of Robertson. Robertson shows a seat 70. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Maxwell to comprise a seat, as taught by Robertson, to aid in the comfort of a user. To make the ladder of aluminum, as is conventional in the art to enable a strong lightweight construction, and to use conventional releasable fasteners, e.g. bolts, in lieu of the rivets 20, to enable removable attachment of the bolsters 19, would have been an obvious engineering expediency.

Applicant's arguments filed 2/27/06 have been fully considered but they are not persuasive. Applicant states that there is no motive to modify Maxwell to comprise rails constructed as taught by Hutchinson, the examiner disagrees, as Hutchinson of the same field of endeavor is an analogous art, and the difference at hand to be resolved between Maxwell and the claimed invention is a rail constructed as a double box I-beam shape, Hutchinson teaches rails having the claimed construction and it is proper for one of ordinary skill in the art to appreciate the teachings of analogous arts to resolve the difference at hand. With respect to Crozier, Crozier teaches the claimed splice/bolster for the disclosed, claimed purpose for releasably splicing I-beam sections, thus Crozier is an analogous art, and it is proper for one of ordinary skill in the art to appreciate the teachings of analogous arts to resolve the difference at hand. Applicant argues that the bolster of Crozier is not a releasable splice; the examiner disagrees as Crozier uses bolts, which are known releasable fasteners, as a fastener for connecting the sections. With respect to the seat 32 of Maxwell does not attaches to a tree or pole but the seat support 30 just as a support which supports the seat of applicant's device, furthermore, the ladder of Maxwell may be supported against a wall and not a tree or pole. With respect to claim 8, "Cramer or Michael" was clearly a typographical error.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS